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May 29, 2002

The Honorable Andrew J. Smyser  
United States District Court for the Middle  
District of Pennsylvania  
U.S. District Courthouse  
228 Walnut Street  
P.O. Box 983  
Harrisburg, PA 17108

**FILED**  
**HARRISBURG, PA**

**JUN - 6 2002**

**MARY E. D'ANDREA, CLERK**  
Per   
Deputy Clerk

**RE: Ohio Casualty Group a/s/o Eric Staub v. J & J Investment Management Co.**  
**Docket No. CV01-0785**  
**Our File No.: 045-012**

Dear Judge Smyser:

I represent Defendant, J & J Investment Management Company, in the above-referenced matter. At the request of Hayes Hunt, counsel for the Plaintiff Ohio Casualty, and myself, Judge Kane referred this matter to Your Honor for a Settlement Conference. Today, I received an Order scheduling the Conference for June 14, 2002.

The purpose of this letter is to request a continuance of the Settlement Conference for two reasons. First, I am scheduled to commence a jury trial in Schuylkill County Court of Common Pleas before Judge Jacqueline Russell in the matter of *McGrath v. Marchese* on June 17, 2002. Second, I believe that the conference would be more fruitful if it were held at a later date; perhaps some time in early to mid-July. The parties need to conduct two additional depositions, which have yet to be scheduled.

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May 29, 2002  
Page -2-

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When Mr. Hunt and I spoke with Judge Kane, we discussed the State Court actions, suggesting that the attorneys in those matters participate in the settlement conference. While this raises some logistical issues, we believe that a comprehensive settlement is possible.

Our hope is that the settlement conference which will be held in the Federal Court action can involve counsel in the State Court actions. I respectfully suggest that it may be beneficial for Your Honor to briefly confer with Mr. Hunt and me by telephone so that we may discuss some of the logistical issues involved prior to the Settlement Conference.

Thank you for your kind attention to this request.

Respectfully yours,

DURKIN & ABEL

BY: 

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Martin A. Durkin

MAD/vh

cc: All Counsel